

July 10, 2014

A Regular Meeting of the Board of Fire and Police Commissioners was held at Diverse & Resilient, 2439 North Holton Street, on the above date, commencing at 5:41 p.m.

PRESENT: Commissioners: Sarah W. Morgan
Kathryn A. Hein
Michael M. O'Hear
Ann Wilson
Marisabel Cabrera

ABSENT: Commissioner: Steven M. DeVougas (Excused)

ALSO PRESENT: Mark Rohlfing, Chief, Milwaukee Fire Department and
Edward Flynn, Chief, Milwaukee Police Department

The Director presented for adoption minutes of the Regular Meeting of June 19, 2014. Commissioner O'Hear moved approval of the minutes as presented, seconded by Commissioner Hein. The motion carried unanimously.

1. UNFINISHED BUSINESS:

a) The Director spoke regarding Milwaukee Police Department's Records Management Section reorganization report. He stated the Board referred the reorganization of this section to an outside consultant about 1.5 years ago. Director Tobin introduced Andrea Knickerbocker of the Department of Employee Relations (DER) who spoke regarding the reclassification of personnel in this section to paraprofessionals. Ms. Knickerbocker turned over the presentation to Inspector Mary Hoerig of the Milwaukee Police Department (MPD) who spoke regarding the Records Management Section. Inspector Hoerig stated this section reviews and corrects the reports filed by police officers prior to the reports being submitted to the state's reporting agency. The section is audited every month and the average error rate is 1.2 to 1.5 percent. Director Tobin asked what the state's error rate is. Inspector Hoerig stated she did not believe there is an error rate, but internally, they are happy with anything under 5 percent. She stated this new reclassification is an opportunity for advancement of the support staff in MPD. Director Tobin informed Inspector Hoerig and HR Administrator Val Williams that he wants to meet with them regarding the implementation of the change-over. Commissioner Hein asked if the officers are informed of their errors. Inspector Hoerig stated they are informed of the error and if it is minor, that it has been corrected by a support staff person. The officer, a quality assurance person, usually a sergeant, or a lieutenant and a commander are all informed of the error. If it is a NIBRS (National Incident-Based Reporting System) error, it is corrected and the officer is informed of the correction so he/she gets familiar with the code as it relates to the type of crime listed on the report. MPD's Tiburon system will be receiving a fix that will assist the officers in entering the correct codes when they are completing the reports. Commissioner Morgan informed the audience that they used to have problems with the programs communicating with one another and crimes were being under and over reported. She further stated an intensive audit was performed and this is the response to the recommendations. Inspector Hoerig stated the NIBRS is a national reporting system and has its own definitions. The officer enters the crime as it pertains to Wisconsin's state statutes, not the national definition. The support staff is trained to be specialists in the NIBRS codes. Commissioner O'Hear moved approval of the report, which recommends the following actions: Reclassify Administrative Specialist-Senior to Police Records Assistant Manager; one position of Office Supervisor II to Police Records Supervisor; one position of Office Coordinator; one position of Office Assistant IV; four positions of Office Assistant III; ten positions of Office Assistant II, one position of Transcriptionist III and one position of Transcriptionist II to the position of Police Records Specialist III, to be underfilled at the II or I rank depending on the level of responsibility and expertise. The motion was seconded by Commissioner Hein and carried unanimously.

2. NEW BUSINESS:

a) The Director presented the request and report for MPD's Electronic Technician Salary Reclassification and re-introduced Andrea Knickerbocker to speak regarding the request and report. Ms. Knickerbocker stated they received the request previously, so the study has already been completed and they are providing

their report to the Fire and Police Commission (FPC) for approval. Commissioner O'Hear moved to refer the request to DER and to approve the report which recommends that the minimum, maximum and recruitment rates for PR 3MN be adjusted to higher levels. The motion was seconded by Commissioner Hein. The motion carried unanimously.

3. EXAMINATIONS:

a) The Director presented the Heavy Equipment Operator (HEO) eligible list and introduced Jason Stenglein, FPC HR Representative to speak regarding the list. Mr. Stenglein stated the HEO is a promotional position in the Fire Department. Thirty-six candidates applied for the position. Thirty of the candidates took the written test. Twenty-six candidates took the performance examination. Twenty candidates passed the exam and were placed on the eligible list. Of the twenty-six candidates that took the exam, the four who were minorities passed the examination and were placed on the eligible list. Commissioner Cabrera asked what the breakdown of the minorities who took the test is. Mr. Stenglein stated the four minorities on the list include one Asian male, one Hispanic male and two African-American males. Commissioner O'Hear moved approval of the eligible list, seconded by Commissioner Hein. The motion carried unanimously.

b) The Director presented the Police Facilities Assistant Manager eligible list consisting of three names. Commissioner O'Hear moved approval of the eligible list, seconded by Commissioner Hein. The motion carried unanimously.

c) The Director presented an amendment to the Police Aide eligible list, whereby an additional candidate who had not completed the entire testing process is now added to the list. Commissioner O'Hear moved approval of the eligible list, seconded by Commissioner Wilson. The motion carried unanimously.

4. FIRE DEPARTMENT:

a) The Director presented correspondence from Chief Rohlfling granting Fire Lieutenant Lowell E. Smith an unpaid medical leave of absence, effective May 11, 2014.

b) The Director presented an amendment to the organizational chart. Chief Rohlfling stated there was more clean-up to the chart than actual changes. Commissioner Hein moved approval of the chart, seconded by Commissioner O'Hear. The motion carried unanimously.

c) The Director deferred this item until the end of the Police Department business.

5. POLICE DEPARTMENT:

a) The following promotions, as presented by Chief Flynn, were approved by the Board:

TO DETECTIVE, contingent upon successful completion of a drug screening, from eligible list established December 19, 2013, effective July 20, 2014:

#38 – SONYA N. GRIFFIN and #39 – TONY J. CASTRO.

b) The following appointments, as presented by Chief Flynn, were approved by the Board:

TO POLICE OFFICER, from eligible list adopted December 19, 2013, effective June 23, 2014:

#295 – BRITTNEY MASON-GORDON and #298 – MICHAEL WARD.

TO POLICE OFFICER, from eligible list adopted December 19, 2013, effective July 7, 2014:

#301 – MARK HORSTMAYER.

TO POLICE AIDE, contingent upon successful completion of a medical examination, psychological evaluation, drug screening, updated background investigation and number of vacancies, from eligible list

adopted June 5, 2014, effective August 4, 2014:

#1 – SAVAUGHN BOSTON; #2 – MARCUS WILLIS JR.; #3 – JONATHAN SCHROEDER; #4 – LUIS LOPEZ; #5 – RYAN CROUSE; #6 – CHUESHIE XIONG; #8 – KANDACE FONS; #10 – JOSEPH PIKULIK; #11 – CHARLES IRVINE; #12 – ANTHONY RODRIGUEZ; #13 – JOSE BERMUDEZ; #14 – SERGIO RIVERA; #15 – JANA E WATSON; #16 – ZACHARY RAMION; #17 – SERGIO SANTA CRUZ; #18 – DAVID STEELE; #19 – LAURA NIRODE; #21 – TIMMIE ALSTON JR.; #22 – COURTLAND PEDERSON; #23 – ELIZABETH SAUER; #24 – AUSTIN DOMAGALSKI; #25 – MICHAEL HENDRIX; #26 – ETHAN SCHLAX; and #27 – HERBERT DAVIS III.

TO POLICE AIDE, on a contingency basis, also contingent upon successful completion of a background investigation, medical examination, psychological evaluation, drug screening, and number of vacancies, from eligible list adopted June 5, 2014; effective August 4, 2014:

#28 – ROBERT BLASK; #29 – ASHLEY FERRER-GLADKOWSKA; #30 – MARCO ORTIZ; #31 – CHELSEY MCDOWELL; #32 – JOSHUA KRANZ; #33 – NIKOLAI STEFANIAK; #34 – LUIS ZAMORA; #36 – DAVID MICHAELS; #37 – TERESA WESTFAHL; and #38 – NICHOLAS ZARAGOZA.

TO CRIME ANALYST, contingent upon a successful medical examination and drug screen, effective July 21, 2014:

RYAN S. LINDSAY.

TO SCHOOL CROSSING GUARD, retroactive to their respective appointment dates:

MERHAWIT G. DANIELS (6/2/14); and JOSEPHINE DEPTULA (5/30/14).

c) The Director presented correspondence from Chief Flynn rescinding the appointments of #251 – Gabriel Catanzaro and #273 – Robert Knoll to Police Officer. Commissioner O'Hear moved approval of the rescinding, seconded by Commissioner Hein. The motion carried unanimously.

d) The Director presented correspondence from Chief Flynn requesting the Data Communications Specialist position be exempt. He asked Val Williams to explain the reason for the exemption. Ms. Williams stated the person in the position is retiring and the position is very technical. The Director stated to approve this request, it would be permanent and it would result in a FPC rule change. Commissioner Wilson moved to hold over the request until the July 24, 2014 meeting, seconded by Commissioner O'Hear. The motion carried unanimously.

e) The Director presented correspondence from Chief Flynn requesting the reclassification of all Police Telecommunicator (Seasonal) positions to Police Telecommunicator. The Board referred the request to DER for study and report.

f) The Director presented correspondence from Chief Flynn notifying the Board that he terminated, for non-disciplinary reasons, Police Officer Alan Carsky, effective June 19, 2014.

g) The Director presented correspondence from Chief Flynn notifying the Board that he terminated probationary Office Assistant Tawanda L. Jones, effective June 3, 2014.

h) The Director presented an amendment to SOP 730 – Mobile Digital Video/Audio Equipment. Commissioner Cabrera asked if the reference in the SOP to the MDVR not recording after the system is stopped means that it will no longer record for the 4.5 minutes it used to. Chief Flynn stated when the system was installed it came with the possibility of leaving it on. The Assistant Chief in charge had them set for the maximum amount of time to record after they were turned off. The department did not have a reason to leave it on, did not have an incident, or any evidentiary need, it was an administrative decision. The Chief stated he was not aware of this until he requested \$500,000 more to store the videos which need to be retained for seven years. Millions of minutes of video storage are generated on a yearly basis. It is getting more and more expensive to hold onto the data. Chief Flynn stated they are video recording twice as much information than is needed since it is recording for an additional 4.5 minutes after the incident is over and the

officer is driving away. The Chief stated they have checked with other jurisdictions and they do not leave their systems on after the event is over. Commissioner Cabrera stated the Board was informed that since the MDVR is still recording for the 4.5 minutes after the incident, the public does not have to be worried about any potential bad conduct by the police. She stated she would like to see a financial report for the plate readers to compare the cost of that compared to the cost of storing the 4.5 minutes of recording after the cameras are shut off because it has been presented as an unnecessary expense and whereas the plate readers actually monitor innocent civilians which are not connected to any sort of bad conduct and so she does not understand why it would be a necessary expense as opposed to the recording of the 4.5 minutes. Commissioner O'Hear stated with prior SOP amendments, he has requested they have an opportunity to read and review it, along with receiving input from the public before they vote. He asked if the SOP is available to the public on the Police Department's website because the Board only has a snippet of the SOP and it is hard to understand what the actual significance of it is without having more of the context. Inspector Hoerig stated the Board should have received a roll call copy as well as a copy of the SOP in its entirety, but she does not know what Director Tobin supplied. All of the SOPs are on the website, except those that talk about strategy and resource deployment. Commissioner O'Hear asked Inspector Hoerig if she knew whether the extra 4.5 minutes has been of any material value to Internal Affairs in any investigations that have been undertaken since this recording started. Inspector Hoerig stated she did not have an answer to that since she did not work in Internal Affairs. Commissioner O'Hear stated it would be helpful information to have since they will be taking a vote on this SOP at the next meeting. He further stated in some of the disciplinary appeal hearings he has been involved with, video has been presented as an important part of the case against the officer and cannot remember whether any of that came from the 4.5 minute time period, but the loss of potentially valuable evidence either to incriminate or exonerate an officer is one concern he has about eliminating the 4.5 minutes. Commissioner O'Hear stated he thought about the officer waiting for the 4.5 minutes to be over to do whatever improper thing he wants to after heated interactions with suspects during an arrest or a stop. He is concerned with officers doing something in anger, in the heat of the moment and he has seen some of these in the media. The 4.5 minutes may have some value to the officer as a cooling off period. Commissioner Morgan stated she understands the cost issue, but the 4.5 minutes gives a buffer after the incident and even though the officers can be seen chatting as they drive down the road, the end of the stop can be seen, so if a suspect complains that something happened, the video is available. Chief Flynn stated to the Board to hold some thoughts, there are a lot of interlocking pieces here. He stated he is not being frivolous when he talks about money. It is a practical matter every year he loses money. Every year he has less overtime. The practicality is that they cannot fill as many positions as they need. Every year there are inexhaustible demands for police service and a limited capacity to deliver them. Everywhere he can save money, that money is going to be spent somewhere else. These are tradeoffs. Maybe zero is wrong, but 4.5 minutes is too long and it has a real cost. If the officers are going to engage in misconduct by turning off the video, and they engage in this conduct, it would be very easy to prove the case because the video is off, they have lost the argument already in terms of discipline in turning the video off while there is still something to be recorded. The Chief further stated the fact of the matter is this is a significant issue for the department in terms of its duration. It is not something to be minimized. He asked the Board at what point they would be comfortable with turning the MDVR off, since it can be anywhere between zero and 4.5 minutes. He stated the additional 4.5 minutes of recording has a significant financial impact on the department. He further stated \$500,000 is a lot of money, in this budget and to just store material. Much of the storage is video because video is so storage intensive. They are storing a lot more than ever and in these last several years not shown any need for it. Commissioner Cabrera stated Inspector Hoerig stated the cost to store the plate reader photos is a lot less, so she would like to know the cost of the plate reader storage. Commissioner Wilson stated she was confused by what Commissioner O'Hear meant by a cooling off period. She also stated, as was stated earlier, she would like to hear from the public. Commissioner Morgan asked if the public had any comments.

Stephanie Hume stated when she was with the Milwaukee Commission on Police Community Relations (MCPCR), they were the group that installed the video cameras. She agrees with Chief Flynn regarding the cost and agrees there should be a compromise.

Mike Crivello, President of the Milwaukee Police Association spoke stating there are two cameras in the squads. The one in the back, where the prisoners are, stays on as long as someone is back there. He stated the \$500,000 savings would equal four officers that could work every day for a year.

Chris Ahmuty, Executive Director of the ACLU spoke stating the SOP on MPD's webpage is different than the version being presented. He asked if MPD bid out the electronic storage costs. He feels more time is needed to evaluate the amendment.

Joel Plant, Chief of Staff for MPD spoke stating the \$500,000 is an additional storage fee to what they already spend for storage. They have bid out the storage costs, but the current cost is what the City bases the storage fee on.

Rose Steitz of MCPCR asked if there is a difference when someone is in the car and whether the MDVR continues to record. Chief Flynn stated there are two cameras. The one in the front of the squad is the one that stays on for 4.5 minutes after the incident is over. The camera in the back seat of the squad, by policy, stays on when someone is back there while being transported.

Commissioner O'Hear moved to hold over SOP 730 until the July 24, 2014 meeting, seconded by Commissioner Cabrera. The motion carried unanimously.

i) The Director presented an amendment to SOP 500 – Personnel Evaluations. Chief Flynn stated this is not a change in how they do evaluations, but to make their evaluations consistent with Wisconsin law enforcement accreditation standards. Commissioner O'Hear moved approval of SOP 500, seconded by Commissioner Cabrera. The motion carried unanimously.

j) The Director presented Chief Rohlfing who spoke regarding their relations with the LGBT community. He stated they take the inclusion very seriously and they work very hard to get the education to their members. Assistant Chief Gerard Washington spoke regarding MFD's receipt of FIRE 20/20's grant for diversity and their participation in the Milwaukee Pride parade and Pride Fest. Commissioner Morgan stated she assisted MFD with LGBT issues involving their members and created a videotape on how the members should relate to the LGBT community. Captain Joshua Parish spoke regarding MFD's recruiting for Firefighter and Fire Cadet within the LGBT community. Stephanie Hume spoke regarding MFD's participation in Pride Fest and how the MFD members volunteer their time and treat the visitors with respect. Carmen Murguia spoke stating the LGBT community can feel comfortable calling MFD or MPD when they need their assistance.

Chief Flynn introduced Inspector Hoerig as MPD's liaison to the LGBT community. Inspector Hoerig stated MPD is a great department for LGBT members to belong to. MPD is creating an SOP on working with the LGBT community. The members go through non-biased training.

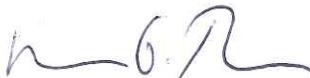
Gary Hollander, President and Chief Executive Officer of Diverse & Resilient stated their organization is the largest LGBT group in the state. They are a public health organization. Hate crimes and the loose state statutes remain a problem. One-third of all LGBT students in Milwaukee, per their admission, miss school because of fear of violence or actual violence against them. Also per their own admission, twenty percent of those students bring weapons to school. Youth in need of shelter is a pressing problem. The youth that are homeless are often sex-trafficked within 72 hours. Vulnerable seniors frequently do not have relatives/family members concerned or interested in their care. Partner violence remains a problematic issue. The LGBT community are citizens and assist anyone in need.

6. ADJOURNMENT:

Commissioner Wilson moved to adjourn the meeting, seconded by Commissioner O'Hear. The motion carried unanimously.

The meeting concluded at 7:50 p.m.

Respectfully submitted,



Michael G. Tobin
Executive Director